

SB0376



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0376

Introduced 2/7/2007, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

New Act

Creates the Regulation of Phosphorus in Detergents Act. Provides that on and after January 1, 2010, no person may use, sell, manufacture, or distribute for sale any cleaning agent containing more than 0.5% phosphorus by weight, expressed as elemental phosphorus, in Illinois, except as provided under this Act. Sets forth certain exceptions. Provides that the Pollution Control Board may authorize the use of certain cleaning agents containing phosphorus under certain conditions and shall promulgate rules for the administration and enforcement of this Act. Provides that no home rule unit may regulate phosphorus in detergents. Effective immediately.

LRB095 07324 CMK 27463 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Regulation of Phosphorus in Detergents Act.

6 Section 5. Prohibition; definition; exceptions.

7 (a) On and after January 1, 2010, no person may use, sell,
8 manufacture, or distribute for sale any cleaning agent
9 containing more than 0.5% phosphorus by weight, expressed as
10 elemental phosphorus, in Illinois, except as otherwise
11 provided in this Section.

12 (b) As used in this Section, "cleaning agent" means a
13 laundry detergent, dishwashing compound, cleanser, household
14 cleaner, metal cleaner or polish, degreasing compound,
15 commercial cleaner, industrial cleaner, or other substance
16 that is used or intended to be used for cleaning purposes.

17 (c) This Section does not apply to cleaning agents that are
18 used:

19 (1) In agricultural, biofuel, or dairy production,
20 including bottling equipment.

21 (2) To clean commercial food, brewery, or beverage
22 processing equipment and containers, and in commercial
23 automatic dishwashing machines, flatware presoak products,

1 or commercial dishwashing rinse additive products.

2 (3) In hospitals, clinics, nursing homes, other health
3 care facilities, or veterinary hospitals or clinics, or for
4 use as commercial bathroom cleaners.

5 (4) In any medical, biological, chemical, engineering,
6 or other such laboratory, including those associated with
7 any academic or research institution.

8 (5) In commercial laundries that provide cleaning
9 services for a hospital, health care facility, or
10 veterinary hospital.

11 (6) As water softeners, anti-scale agents, or
12 corrosion inhibitors, if that use is in a closed system
13 such as a boiler, air conditioner, cooling tower, or hot
14 water heater.

15 (7) As industrial or institutional sanitizers, metal
16 brighteners, or metal cleaning or metal conditioning,
17 including products containing phosphoric acid or trisodium
18 phosphate.

19 (d) This Section does not apply to cleaning agents that:

20 (1) contain phosphorus in an amount not exceeding 0.5%,
21 expressed as elemental phosphorus by weight;

22 (2) are manufactured, stored, sold, or distributed for
23 use solely outside the State; or

24 (3) are regulated by federal law, including the Food
25 Drug and Cosmetic Act and the Federal Insecticide,
26 Fungicide and Rodenticide Act.

1 (e) The Illinois Pollution Control Board may authorize the
2 use of additional cleaning agents that contain phosphorus of an
3 amount exceeding 0.5% by weight upon finding that there is no
4 adequate substitute for that cleaning agent or that compliance
5 with this Section would otherwise be unreasonable or create a
6 significant hardship on the user. The Illinois Pollution
7 Control Board shall promulgate rules for the administration and
8 enforcement of the provisions of this Section.

9 (f) The regulation of phosphorus in detergents is an
10 exclusive power and function of the State. A home rule unit may
11 not regulate phosphorus in detergents. This Section is a denial
12 and limitation of home rule powers and functions under
13 subsection (h) of Section 6 of Article VII of the Illinois
14 Constitution.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.